

### REMARKS

Claims 14-34 have been canceled. Applicant adds new claims 35-42 to recite the detailed features of the invention. Applicant refers to Figs. 16-40 and their corresponding description in the specification for exemplary embodiments of and support for new claims 35-42. Accordingly, claims 1-13 and 35-42 are pending in the application. Applicant amends claims 1, 4-5, and 8-13 for clarification, and refers to Figs. 6-14 and their corresponding description in the specification for exemplary embodiments of and support for the claim amendments. No new matter has been added.

Claims 1-6, 8-11, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,215,464 to Marshall et al. in view of U.S. Patent No. 6,799,971 to Healey et al. Applicant amends independent claims 1, 5, 9-11, and 13 in a good faith effort to clarify the invention as distinguished from the cited references. The Examiner's rejection is respectfully traversed.

Marshall et al. describe a shoot-back simulation system where an infrared spot tracker ("IST") "spot tracks" an infrared spot shot onto a projection screen by an infrared emitter in a training weapon. Please see, e.g., Fig. 1 and its corresponding description in Marshall et al. In other words, an infrared emitter creates a spot on the projection screen and the IST interprets the position of the infrared spot on the screen. The Examiner acknowledged that Marshall et al. do not disclose a laser transmitter having a modulator for modulating a transmitting laser signal with encodable information, and relied upon Healey et al. as a combining reference that allegedly discloses this feature.

Neither reference, as applied by the Examiner, disclose the use of position information of the laser transmitter and time information for judging a shot effect. Therefore, even assuming, arguendo, that it would have been obvious to one skilled in the art to combine these references, the combination would still fail to teach or suggest,

"said laser transmitter having a modulator for modulating a transmitting laser signal by position information of said laser transmitter and time information and

said laser receiver having an information extractor for extracting said time and position information from a received laser signal and a judgment unit for judging a shot effect using the extracted time and position information," as recited in claim 1.  
(Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claims 2-4 and 35-39 dependent therefrom, is patentable over Marshall et al. and Healey et al., individually and in combination, for at least the above-stated reasons. Claims 5, 9-11, and 13 include features that correspond to those of claim 1 cited above and are, therefore, together with claims 6 and 8 dependent from claim 5 and claims 40-42 dependent from claim 10, patentable over the cited references for at least the same reasons.

Claims 7 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marshall et al. in view of Healey et al. and U.S. Patent No. 4,695,256 to Eichweber. The Examiner's rejection is respectfully traversed.

Applicant submits that it would not have been obvious to one skilled in the art to combine the references in the manner proposed by the Examiner. Eichweber describes a retroreflector firing simulation system that is incompatible with either the projection screen system described in Marshall et al. or the MILES system described in Healey et al. Each reference describes its own system of simulating a weapon. In Marshall et al., a laser is directed to a projection screen and the laser spot is tracked using the IST. In Healey et al., laser emitters use a modulation to

convey their position and identification information. And in Eichweber, a stationary firing simulator receives reflected light from a target area for practicing aim. Eichweber does not suggest any advantage to modulating its laser emitter because all parameters are accounted for by its reflector scheme. At the same time, this system lends no advantage to the MILES system described in Healey et al. because of its restrictive applications—for example, it requires a stationary trainee. It was, therefore, improper hindsight from the claimed invention to combine these references in the manner proposed by the Examiner.

The Examiner relied upon Eichweber as a combining reference to specifically address additional features recited in claims 7 and 12. As such, even assuming, *arguendo*, that the combination of references would have been obvious to one skilled in the art, the combination would still fail to teach or suggest the above-cited features of claim 1. Independent claims 5 and 12 include features similar to those of claim 1 cited above. As such, claim 7, which depends from claim 5, and claim 12 are patentable over the cited references for at least the above-stated reasons.

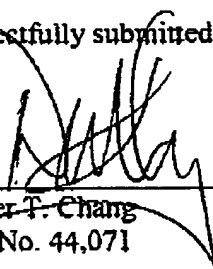
The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

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In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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